

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SCOTT GODINO, JR.,

Plaintiff,

v.

COUNTRYWIDE KB HOME LOANS,
et al.,

Defendants.

2:11-CV-1216 JCM (PAL)

ORDER

Presently before the court is plaintiff Scott Godino, Jr.'s motion to certify question to the Nevada Supreme Court. (Doc. #19). Defendant First American Title Insurance Company (improperly named as First American Title Company of Nevada) filed an opposition. (Doc. #24). Defendants BAC Home Loans Servicing, LP, Countrywide KB Home Loans, Mortgage Electronic Registration Systems, Inc., and Recontrust Company also filed an opposition. (Doc. #25). Plaintiff then filed replies to both of these oppositions. (Docs. #26 and #27).

On December 8, 2011, this court entered an order dismissing the complaint for failure to state a claim upon which relief can be granted. (Doc. #17). The clerk of court entered judgment on the same day. (Doc. #18). Thirteen days later, plaintiff filed the instant motion. (Doc. #19). One week after filing the instant motion, plaintiff filed a notice of appeal. (Doc. #29).

Although the notice of appeal states that plaintiff is appealing this court's December 8, 2011, denial of a preliminary injunction, a motion for preliminary injunction was never filed in this case.

1 Indeed, the only entries on the docket on December 8, 2011, are the court's order dismissing the
2 complaint and the clerk's judgment. (*See* Docs. #17 and #18). Accordingly, the court interprets
3 plaintiff's notice of appeal as an appeal of the court's dismissal.

4 "The filing of a notice of appeal is an event of jurisdictional significance—it confers
5 jurisdiction on the court of appeals and divests the district court of its control over those aspects of
6 the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58
7 (1982). This rule of appellate jurisdiction is "designed to avoid the confusion and inefficiency of
8 two courts considering the same issues simultaneously." *Masalosalo by Masalosalo v. Stonewall*
9 *Ins. Co.*, 718 F.2d 955, 956 (9th Cir. 1983). While there are narrow exceptions to the exclusive
10 appellate jurisdiction principle, any action that the district court takes after entry of the notice of
11 appeal "may not materially alter the status of the case on appeal." *Natural Resources Defense*
12 *Council, Inc. v. Southwest Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001).

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Scott Godino,
15 Jr.'s motion to certify question to the Nevada Supreme Court (doc. #19) be, and the same hereby is,
16 DENIED for lack of jurisdiction.

17 DATED February 27, 2012.

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20 UNITED STATES DISTRICT JUDGE